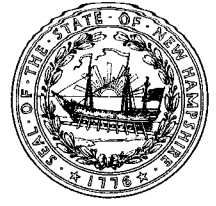




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY**  
**WET 06-003**

January 04, 2006

William Stewart  
299 Londonderry Turnpike  
Hooksett, NH 03103

RE: DES Wetlands File #2003-01292 1121 Londonderry Turnpike, Hooksett

Dear Mr. Stewart:

On October 21, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hooksett Tax Map 41 as Lot 15 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection and subsequent research in our office, the following deficiencies were documented:

1. A wetland area measuring approximately 60 feet by 20 feet (minimum) has been filled with fill material, boulders, slash, solid waste, asphalt, etc.;
2. A seasonal stream has been impacted and rerouted as a result of the impact; and
3. Trailers have been parked in the impacted wetland area.

In response, you are requested to take the following actions:

1. **Within 60 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring the wetland on the Property. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with wetland boundaries; and
    2. Proposed conditions after reestablishing the jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, erosion control blankets, etc) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). The proposed species shall be native and noninvasive;
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
  - f. A provision to delineate the wetlands within the restoration site after 5 full growing seasons and document the delineation with data forms and depict the delineation on a site plan.
2. Retain a certified wetland scientist to supervise the implementation of the restoration plan and submit the restoration progress reports including recommended remedial actions should progress reports show the restoration to be unsuccessful.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Eric Skoglund, Wetlands Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Eric Skoglund at (603) 271-4192.

Sincerely,

 **COPY**

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL # 7004 0750 0003 0561 8132

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Hooksett Conservation Commission  
Hooksett Board of Selectmen  
USACOE